

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN THE MATTER OF THE COMPLAINT	*	
OF ETERNITY SHIPPING, LTD. AND		
EUROCARRIERS, S.A., FOR EXONERATION	*	CIVIL ACTION
FROM OR LIMITATION OF LIABILITY		NO. L01CV0250
	*	
* * * * *		
	*	
TATE & LYLE NORTH AMERICAN		
SUGARS, INC.,	*	
Claimant and Third-Party Plaintiff	*	
v.	*	
AMERICAN BUREAU OF SHIPPING	*	
Third-Party Defendant	*	
* * * * *	*	

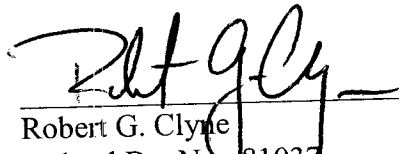
**THIRD-PARTY DEFENDANT'S,
AMERICAN BUREAU OF SHIPPING,
MOTION FOR SUMMARY JUDGMENT**

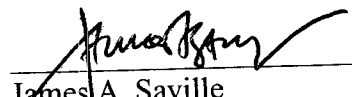
Third-Party Defendant, American Bureau of Shipping ("ABS"), by its attorneys, Robert G. Clyne and James A. Saville, Jr. of Hill Rivkins & Hayden LLP and James M. Bartlett, III of Semmes Bowen & Semmes, P.C., hereby moves this Court for entry of summary judgment in its favor and against Third-Party Plaintiff, Tate & Lyle North American Sugars, Inc. ("Tate & Lyle") and Third-Party Plaintiff, Josephina Gonzales ("Gonzales").

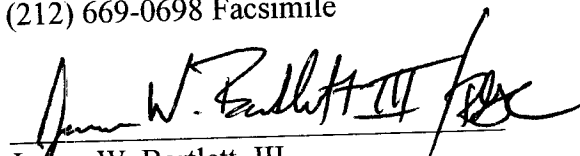
As fully set forth in the attached Memorandum of Law in Support of ABS' Motion for Summary Judgment, based upon the undisputed facts, Third-Party Plaintiffs' cannot establish a claim of negligence as they demonstrate that ABS owed them a duty nor have they adduced any admissible evidence to demonstrate that, even if ABS owed them a duty, ABS failed to detect a defect that was causally related to the casualty. Moreover, based on the undisputed facts, the

remoteness of the ABS survey to the casualty vitiates causation as a matter of law. Finally, as it is undisputed that the agreement between ABS and Eurocarriers did not intend to confer a benefit on the Third-Party Plaintiffs and, it is well settled that the warranty of workmanlike performance does not extend to the services provided by a classification society, Third-Party Plaintiffs' causes of action based on third-party beneficiary and breach of warranty of workmanlike service fail as a matter of law.

WHEREFORE, ABS requests that this Court enter an Order granting its Motion for Summary Judgment and dismissing the claims of Tate & Lyle and Gonzales and granting such other and further relief as the court deems to be just and proper.


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